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AMESBURY CITY CLERK

## **PLANNING BOARD DECISION**

*Property Ownership:* **Amesbury Heights, LLC**  
**150 Mount Vernon Street, Suite 500 Boston, MA 02125**

*Applicant:* **Amesbury Heights, LLC**  
**150 Mount Vernon Street, Suite 500 Boston, MA 02125**

*Application Type:* **SITE PLAN REVIEW**

*Project:* **Amesbury Heights – 240 Multi-family Residential Apartments**

*Location:* **36 Haverhill Road, Amesbury, MA 01913**

*Date:* **July 25, 2016**

### **A. BACKGROUND**

Amesbury Heights LLC, a Massachusetts limited liability company (the “Applicant”) as successor in interest to Corcoran Jennison Associates, LLC, has submitted an application (the “Application”) requesting that certain minor changes under Section XI.Q.12 of the Amesbury Zoning Bylaw be made to the Amesbury Planning Board’s Decision dated April 13, 2015 and recorded at the Southern Essex Registry of Deeds, Book 34386, Page 250 (the “Decision”). The Amesbury Planning Board (the “Board”) granted Site Plan Approval to the Applicant’s predecessor, Corcoran Jennison Associates, LLC to build 240 Multi-family Residential Apartments at 36 Haverhill Road, Amesbury MA (the “Project”) , subject to conditions as stated

in the Decision. The Decision approved a Site Plan set drawn by Vanasse Hangen Brustlin, Inc. (VHB), Watertown MA 02471 on October 28, 2014 and last revised on March 15, 2015.

## **B. FACTS & FINDINGS**

The Planning Board reviewed the request from the Applicant, communication received from the Mayor's Office and comments from City staff and Police Department. The Board finds that:

1. The proposed changes are minor changes consistent with the Approval and do not constitute a major change in the Project that affect Section XI.Q.12 of the Amesbury Zoning Bylaw;
2. The Traffic Improvement Plans proposed by the Applicant are currently under review by MassDOT and final permits have yet to be issued;
3. The Applicant is currently responsible for completing all work associated with off-site improvements approved under various permits from local and state agencies. Any work that may be performed by parties other than the Applicant requires the Applicant to assign all documents including but not limited to, plans, permits and approved engineering documents to said parties. Further, these permits will have to be modified by respective permitting agencies to the extent that the obligations of each party are clearly indicated in said permits;
4. The City has been awarded a MassWorks Grant for intersection improvements at Rte. 110 and Rte. 150 for the purpose of constructing roadway and other infrastructure improvements in the vicinity of the Project. Provided the Applicant assigns all documents, including but not limited to, final approved engineering and other improvement plans and permits associated with the Off Site Improvements proposed by the Applicant, the City is willing to complete those improvements in accordance with the MassWorks Grant. The Applicant would then not be obligated to complete such off-work as required by the Board's Decision to the extent that it is done under the MassWorks Grant; and

5. The Amesbury Police Department has recommended that a left turning lane be added along Rte. 110 at the entrance driveway to the Project. Conceptual traffic improvement plans have been prepared by the Applicant. However, these plans still need to be fully engineered and approved by MassDOT. The Applicant has indicated that they will assist the City in preparing final plans and approvals as long as the City will undertake the improvements for left turning lane improvements along Rte. 110.

### **C. MINOR MODIFICATION – PLANNING BOARD APPROVAL**

Upon review of the information presented by the Applicant and City officials and the findings noted above, the Board voted at its meeting on 07/25/2016 to amend the recorded Decision. The Board hereby amends said Decision by modifying specific conditions and adding new conditions, as specified below, which amendment shall become final upon the recording of such amendment to the Decision at the South Essex Registry of Deeds. **All other conditions in the recorded Decision remain in force and effect as stated in the Decision, except as noted below:**

**I.** The Applicant shall take action and provide documents or information in accordance with the commitments made to the Board as follows:

1. The Applicant shall build the sidewalk along Rte. 110 from the approved entrance driveway as shown on the approved Site Plan to the Rte. 110 and Rte. 150 intersection (Station 102+90 to Station 111+50) substantially as shown on the plan titled “Fig.1, Safety Improvement Project Haverhill Road” dated July 13, 2016 prepared by VHB, attached to this Amendment as Exhibit A;
2. The Applicant shall start the off-site construction work for aforementioned sidewalk and associated improvements within two weeks of the issuance of the Massachusetts Department of Transportation (MassDOT) permit approval for Off Site Work and shall be completed no later than June 30, 2017;
3. The Applicant shall assign the rights to the 100% complete and MassDOT approved plans and permits for the Off Site Work to the City at no cost to the City and as soon as approval is received from MassDOT, but no later than September 12, 2016;

4. The Applicant shall deposit a non-refundable security for Four Hundred Thousand Dollars (\$400,000) with the City within five (5) business days after expiration of the appeal period, if any, for this amendment without any appeal having been filed to cover any costs incurred by the City beyond the funds secured by grant;
5. The Applicant shall provide an updated project schedule with anticipated completion of individual buildings and a project schedule for Off Site Work to be completed by the Applicant; and
6. The Applicant shall provide 100% design plans for the left turning lane substantially consistent with the 25% design plans approved by the City, plan titled "Traffic Plan – Option 2, Sheet 1 of 1," attached hereto as Exhibit B and use commercially reasonable efforts to assist the City in obtaining MassDOT's approval of the same. The City shall be solely responsible for obtaining any other local permits and approvals required for the left turn lane.

II. The following condition of the Board's Decision dated April 13, 2015 is modified and replaced with the condition noted below:

***II. General and Perpetuity Conditions***

13. **Certificate of Occupancy Permits:** Occupancy Permits may be requested only upon completion of all units located within one building/structure and provided the project is in compliance with all applicable conditions stated in the Decision. Partially completed buildings shall not be eligible for any occupancy permits. Temporary certificates of occupancy will not be permitted. The Fire Department will not accept requests for the occupancy permit until all required fire prevention and detection systems are installed and operating, carbon monoxide detectors are installed and operating, street signs and house numbers are in place and all required inspections have been completed by the Amesbury Building Inspections and Fire Departments.





Safety Improvement Project  
Haverhill Rd (Route 110)  
Amesbury, MA

Fig. 1



To:

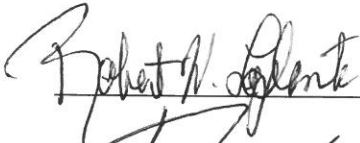


Amesbury Heights, LLC

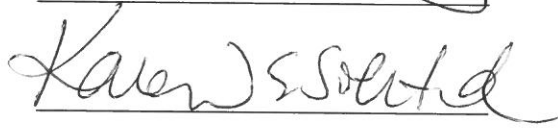
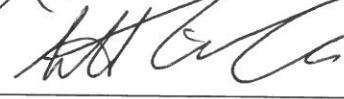
150 Mount Vernon Street, Suite 500

Boston, MA 02125

PLANNING BOARD VOTE:

On July 25, 2016, the Amesbury Planning Board voted 7 in favor of the Minor Modification to its Decision as stated here in subject to the findings, waivers and conditions noted in this Decision.

  
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Filed with the City Clerk on

September 20, 2016

  
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City Clerk